

**MANDELBAUM SALSBURG P.C.**

3 Becker Farm Road, Suite 105  
Roseland, New Jersey 07068  
t. 973.243.7930  
f. 973.736.4670

*Attorneys for Plaintiffs*

U.S. DISTRICT COURT  
DISTRICT OF NEW JERSEY  
RECEIVED

2019 SEP 19 P 2:35

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

ALEXANDER SALERNO, M.D., on behalf of himself and all other healthcare providers similarly situated, SALERNO MEDICAL ASSOCIATES, LLP, SENIOR HEALTHCARE OUTREACH PROGRAM, INC., SVETLANA SALERNO, M.D., AMANDA MARINO, M.D., DIANA LARREA, D.O., ANDREA FODOR, N.P., GUETTY GABAUD, N.P., BELA LASCHIVER, N.P., AIDA RAMOS, F.N.P., MARYELLEN ROBERTS, N.P., RAKESH K. SAHNI, M.D., ELIZABETH D. EVANS, D.O., KUANG-YIAO HSIEH, M.D., JOHN H. RUNDBACK, M.D., KEVIN HERMAN, M.D., ROEL P. GALOPE, D.O., VICTORIA A. HOWELL, N.P., MARIELA PABON, R.D., NILAY R. SHAH, M.D., SM MEDICAL LLC, RAMEZ W. SAMUEL, M.D., MOUNIR ABDELSHAHID, M.D., CATALINA DELACRUZ, M.D., PEDIATRICS AND ADOLESCENT SAINT MARY CLINIC, LLC, and INAS WASSEF, M.D.

Plaintiffs,

v.

UNITEDHEALTHCARE GROUP, INC., UNITEDHEALTHCARE INSURANCE COMPANY, UNITED HEALTHCARE COMMUNITY PLAN, AMERICHOICE, INC., AMERICHOICE OF NEW JERSEY, INC., RIVERSIDE MEDICAL GROUP, OPTUM, INC., OPTUM CARE, INC. and JOHN DOES 1-20,

Defendants.

CIVIL ACTION No. \_\_\_\_\_

**ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINTS**

This matter having been brought before the Court by plaintiffs Alexander Salerno, M.D., et al. (collectively, “**Plaintiffs**”), by and through their undersigned counsel, Mandelbaum, Salsburg, P.C., upon the filing of a Verified Complaint, Certifications and Brief, for an Order, pursuant to Fed. R. Civ. P. 65, and the Court’s inherent equity powers, *inter alia*, temporarily enjoining and restraining defendants UnitedHealthcare Group, Inc., UnitedHealthcare Insurance Company and UnitedHealthcare Community Plan (the “**Plan**”) (collectively, the “**UHC Companies**”) and Defendants Americhoice of New Jersey, Inc. and Americhoice, Inc. (collectively, “**Americhoice**”), and all of their subsidiaries, affiliates, divisions, officers, directors, principals, servants, employees, attorneys, representatives, successors and assigns, and all those in active concert or participation with them, from:

- A. terminating Providers’ participation in the Plan;
- B. notifying patients that Providers are or will be terminated and/or that they are not, or will not be, participating as Providers under the Plan;
- C. removing Providers’ information from any of Defendants’ marketing materials and from notifying Patients that they are not accepting new patients under the Plan; and
- D. treating Providers differently from other providers with regard to UHC’s directories for the Plan; and the Court having considered the facts and law set forth in the Verified Complaint, the Certifications and the Brief submitted in support of Plaintiffs’ application, and the argument of Plaintiffs’ counsel, and it appearing that immediate and irreparable harm will result if restraints are not issued, that Plaintiffs have a likelihood of success on the merits and balancing the equities favor them; and for other good cause having been shown,

IT IS on the \_\_\_\_ day of \_\_\_\_, 2019,

**ORDERED**, Plaintiffs' application for a temporary restraining order is hereby **GRANTED** and that the UHC Companies and Americhoice, as well as their parents, subsidiaries, affiliates, divisions, officers, directors, principals, servants, employees, attorneys, representatives, successors and assigns, and all those in active concert or participation with them, directly or indirectly, be, and the same hereby are temporarily enjoined and restrained from:

- A. terminating Providers' participation in the Plan;
- B. notifying patients that Providers are or will be terminated and/or that they are not, or will not be, participating as Providers under the Plan;
- C. removing Providers' information from any of Defendants' marketing materials and from notifying Patients that they are not accepting new patients under the Plan; and
- D. treating Providers differently from other providers with regard to UHC's directories for the Plan; and it is further

**ORDERED**, that Plaintiffs shall serve a copy of this Order to Show Cause and their moving papers upon which it is based on Defendants; and it is further

**ORDERED**, that the return date of this Order to Show Cause is \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. and it is further

**ORDERED**, that opposition papers, if any, shall be filed with the Court and served (via ECF or overnight mail) so as to be received by the Court and Plaintiffs' counsel on or before \_\_\_\_\_; and it is further

**ORDERED**, that reply papers, if any, shall be filed with the Court and served (via ECF) so as to be received by the Court and Defendants on or before \_\_\_\_\_; and it is further

**ORDERED**, on two days' notice to Plaintiffs, Defendants may appear and move to dissolve or modify this Order; and it is further

**ORDERED**, that Defendants are placed on notice that their failure to appear on the return date scheduled herein or to otherwise respond to Plaintiffs' application may result in the entry of all of the relief Plaintiffs are requesting in the Verified Complaint by default; and it is further

**ORDERED**, that this temporary restraining Order shall remain in effect and continue pending further Order of this Court;

---

Hon. \_\_\_\_\_, U.S.D.J.